

NEWINGTON TOWN PLAN AND ZONING COMMISSION

Regular Meeting

March 12, 2008

Chairman Cathleen Hall called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:05 p.m. in Conference Room 3 at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut

I. ROLL CALL

Commissioners Present

Commissioner Fox
Chairman Hall
Commissioner Kornichuk
Commissioner Pane
Commissioner Pruett
Commissioner Schatz
Commissioner Camerota

Commissioners Absent

Commissioner Correll
Commissioner Niro

Staff Present

Ed Meehan, Town Planner

Commissioner Ganley was seated for Commissioner Correll

II. PUBLIC HEARINGS

A. PETITION 06-08 3465 Berlin Turnpike, Sam's Club, Sam's East, Inc. applicant, Newington-Berlin Retail, LLC owner, represented by John W. Knuff, Esq., 147 North Broad Street, Milford, CT 06460 request for Special Permit Section 6.6 Liquor Sales, PD Zone District.

Chairman Hall: Is the applicant here? If you would come up and state your name?

Commissioner Pane: Madam Chairman, if I may, I'm going to recuse myself because I am an abutting property owner of the place. Thank you.

John Knuff: Good evening Madam Chairman, my name is John Knuff, I'm an attorney, 147 North Broad Street in Milford, Connecticut. I'm here on behalf of Sam's East, Inc., the applicant. With me this evening is Darren Gray, who is an engineer with Doucette and Associates, and Kathleen Gregg who is with Barry Porter Associates. As we just heard this is a special permit application pursuant to Section 6.6 of your regulations for a liquor store adjacent to the approved Sam's Club store at the corner of the Berlin Turnpike and Rowley Street. The property is owned by Newington-Berlin Retail, LLC. As you heard, the property is in the PD Zone, and liquor stores are permitted in the PD zone, subject to special permit approval provided that the front door is more than 500 feet from another location with the same class of permits. By way of background, as you see from the plans that Ed has kindly provided for us, this is the same site as Stew Leonards, Toys R Us, and Stickley's and the Commission approved the application of the developer to add

Sam's to the site on November 22, 2006 and just for a reference, I would submit a copy of the approvals, the site plan approvals from November 2006. At that time, the total square footage approved was 136,719 square feet and at that time the store included a tire center. If this application is approved the tire center will be deleted and the liquor store will take up about half of that space that was previously allotted to the tire store.

As you may know, Sam's in Berlin includes a liquor store. It's always been our preference to include a liquor use at this location but when the application came in for the store itself your Planner, Mr. Meehan had told us in 2006 that we could not submit an application until we had identified and at least entered into a contract for the purchase of another liquor store in the Town. As you may know, state statutes limit the number of liquor stores and package stores in any one town. Newington had reached its limit so we have now entered into a contract to purchase a liquor store in the Town of Newington and we have submitted applications to the State Liquor Control Commission for the transfer of that license and then the removal and the relocation to this location. We also know that because of that limitation per town we couldn't just transfer the liquor license that is in the Berlin store to this store, and we were also limited to a total of two in the state, there is already an existing Sam's liquor store in Manchester, Connecticut and we have the one in Berlin. Once this store this opens, the Sam's closes in Berlin, that liquor store will close, so in terms of the close proximity it's just exchanging the liquor store across town lines, a very short distance.

In terms of the plans, as you see this is the previously approved plan, Sam's is located in the northwest quadrant of the site. The current plan, zooming in a little bit closer, again, here's the Sam's store and Stew Leonard's for reference purposes, the footprint remains exactly the same, the landscaping remains exactly the same, the traffic pattern remains exactly the same, you may recall from 2006 that the tire center store was going to be located in this area. As I mentioned, that is no longer going to be the case, this is a further blow up of the store itself. This bump out on the southern portion of the building was going to be entirely the tire store. The tire sales were going to be located in this area, and there were going to be four bays leading from the outside so you could have a tire change. The entire tire use will be deleted from the site, the liquor store will comprise about half of this, of total of 3,467 square feet or about 2.5 percent of the entire store and there is going to be a café which was previously located in a different area within the store, it's going to be moved to this other half. We have an even tighter blowup of the liquor store itself. The liquor store will have a completely separate entrance from the entrance to Sam's, as required by state statute. There will be no connection between the liquor store and Sam's store itself. We are subject to state statutes in terms of our hours of operation. State law requires that hours cannot exceed eight a.m. to nine p.m. Our store hours in Berlin I think which will probably follow eight a.m. to eight-thirty p.m. and the liquor store would match whatever hours the store hours are, but we cannot exceed what the state allows us to.

One interesting sideline is, I know that Ed has the elevations out, but we brought it as well. This is the site plan, the elevations that were approved in 2006. This is the southern elevation which for reference purposes, as you are looking north at the store in that direction, you will notice the four bays for tire replacements. Now we have eliminated that, this is not color, I apologize, but those have been eliminated and we have just continued the typical façade treatments and this is in this area here. So those four garage doors have been removed.

Your regulations require that a liquor store be located, of any one class be located five hundred feet from an identical type of class of use. As you know, Stew Leonard's has a liquor store associated with their use, which is located on the eastern, their front door is located on the eastern side of the building, and as you see, the front doors are more than five hundred feet from each other. Also in your regulations, there is no school, college, church or hospital located within five hundred feet of this, and there is certainly no negative impact on traffic, parking, or character of the neighborhood. I mean, really this use is for the convenience of those people who are already shopping at Sam's, certainly won't generate any more traffic than Sam's originally does. There is another liquor use, a package store use on the site. If you have any questions, I'd be happy to answer them, but it's about as straight forward an application as you can get,

considering you have an identical use down the street at Sam's in Berlin and you have an identical use on the site of Stew Leonard's.

Chairman Hall: Mr. Meehan, do you have some information for us that can supplement what we have been told so far?

Ed Meehan: Nothing out of the ordinary. Just to confirm, I did check the scale on the map, and have visited the site and can confirm that it meets the door to door separation requirements.

Chairman Hall: Any questions from the Commissioners?

Commissioner Schatz: Could you explain the café a little more?

Attorney Knuff: Yeah, and we actually brought the old plans, there is a café, you know, hot dogs, pizza and that sort of thing, and it was already in the old plan, but what they did was just, they shifted it over into that little corner.

Commissioner Schatz: Thank you.

Attorney Knuff: It has no connection to the package store whatsoever.

Commissioner Ganley: That was sort of my question, the, this is not a vending machine cafeteria, probably designed for employees, where they get the sandwiches. This is cooked foods, is that correct?

Attorney Knuff: Yes, and that was in the plan that you saw before, the only thing that has changed is the location within the store, so a café has always been part of the Sam's use, it's just that its location has changed and makes up the balance of that bump out that used to be comprised of the tire store.

Commissioner Ganley: Thank you.

Chairman Hall: I noticed that when you replaced the overhead doors, it looks like those are windows, is that a real window, or is that going to be just a façade enhancement?

Attorney Knuff: No, this is going to be a façade enhancement. There is going to be a door, actually this is the area where the four garage doors were going to be, and this is also the area where the café is going to be located, so there are no windows here, and the liquor store is going to be located in this area. Actually these are the doors into the vestibule of the store itself. This is a small overhead door for deliveries into the package store.

Chairman Hall: Any other questions?

Ed Meehan: You do have someone under contract that if you can get approval you can move forward?

Attorney Knapp: Yes, we are under contract, as you probably know, there is a whole elaborate procedure under the state statutes in terms of how you transfer a liquor license, as a matter of fact, tomorrow is going to be the day that a sign is posted at that location to tell the world that the license will be transferred. The store is on Main Street, I'm just reluctant to say because our contract requires us to maintain confidentiality until it becomes public by means of the Liquor Control Commission process.

Commissioner Ganley: Any reason that we should continue this, or close it? How much more can we get out of this.

Chairman Hall: It seems pretty straight forward.

Ed Meehan: It is a straight forward application, and just to confirm, the other large box stores in Newington, like Target and Wal-Mart do have in store cafes where you can eat, so that was always part of the plan.

Chairman Hall: That is a change from the Berlin store, because I don't remember a café in the Berlin store.

Commissioner Fox: Yes, there was.

Chairman Hall: There was?

Commissioner Fox: Yes, just past the registers, I don't know if they have it any more, I don't remember, I haven't been there in a while, they had, you could get hot dogs, coffee. It was like that guy outside of Home Depot for a while.

Chairman Hall: All right. Anyone from the public wishing to speak in favor of this petition? Anyone from the public wishing to speak against this petition? Anyone from the public wishing to speak at all. Okay, seeing none, I would say at this point we can close the hearing. Thank you for your presentation.

Attorney Knuff: Thank you, and I know that you have a long agenda, so I assume that there won't be any consideration of this tonight.

Chairman Hall: Traditionally we don't, but we will move it to the next meeting.

Commissioner Pane returned to the table.

III. PUBLIC PARTICIPATION (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. MINUTES

February 27, 2008

Commissioner Pruett moved to accept the minutes of the February 27, 2008 regular meeting. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion with seven voting YES.

V. COMMUNICATIONS AND REPORTS

A. 8-24 Referral – Little Brook Park Easement Private Sanitary Lateral

Ed Meehan: One of the items that is listed on the agenda is a proposed easement for a private sanitary sewer lateral down in the Little Brook neighborhood, Little Brook Park. The request has come from an adjacent neighbor in Rocky Hill who lives on Clearview Street, the street that runs almost parallel to our town line, and they are asking for an easement to install a six inch private

lateral from the Rocky Hill side into the existing MDC trunk sewer that runs through that area. The area, the size of the easement is just over 325 square feet, I believe and it would be done, if it is approved obviously, under the auspices of the MDC certified contractor and our town engineer. This was on the Council's agenda last night, so now it is being passed up to you for your 8-24 referral input. There was a, I guess Planning and Zoning didn't get involved with it, a few years ago, a couple of years ago, there was another request from this area to install a gas line through Little Brook into Rocky Hill and that didn't come to your table because it didn't, it wasn't received well by the Town Council. There was some confusion if this was the same thing, this is purely for a private six inch sanitary sewer lateral. I have maps, there is a reduced map attached to the draft motion, we have a larger scale map which has been prepared by a land surveyor and we do have, to accompany this map, we do have a written deed description, an easement description which would be filed on the land records.

Chairman Hall: Any questions?

Commissioner Pane: Yeah, wasn't there something similar to this, seven, eight, nine years ago, I recall somebody in that area looking for something similar to that and I'm wondering what we did and what the history was back then.

Ed Meehan: In the Clearview area?

Commissioner Pane: Yeah, in the same area for one of the other previous houses that was up.

Ed Meehan: This, well, this issue of hooking the lateral was in, goes back to according to the records, when Pete Arburr was town engineer, so it may have been that time, but it was never pursued, from Rocky Hill into Newington. There was a discussion, and I'm trying to recall all the details, I'm not sure it was quite like this, of a house that is in Newington but is only accessible from Rocky Hill, down near the Twenty Rod Road area, that was looking to get off the septic system and hook into MDC sewers. The issue with that was the line had to go through inland wetlands. I don't know if that is what you are talking about, but there wasn't any inter-town issues there as far as the sewer line. It's a very peculiar location, this house. It's a, I guess New Britain Road you have to go off of to get into there, but that's the only one I know about.

Commissioner Pane: You're saying that this was tried when Pete was here?

Ed Meehan: No, the paper work was started, but it was never brought to the Town Council for a 8-24 referral. The engineering was done on it, the survey map was done, and he had to report back to the property owner over in Rocky Hill, advising him of what he wanted for documentation, what Mr. Arburr wanted for documentation, but it was never voted on.

Commissioner Ganley: Are we referring to a house behind where you used to live?

Chairman Hall: It's farther up, it's near the park, Little Brook Park, it's almost directly in back of Little Brook Park.

Commissioner Ganley: Okay, it, the house is actually in Rocky Hill.

Chairman Hall: That's the one that's up on Twenty Rod.

Ed Meehan: That is the second situation that I was explaining.

Chairman Hall: That is not this one.

Commissioner Ganley: Oh, okay, because as I recall.....

Chairman Hall: This you have to go down either Park Drive, Lake or Liola, you go down and up, and you can actually see it from the park, if you are driving down Little Brook, and you look into the park, you can see the house, down past the basketball court.

Commissioner Ganley: Thank you.

Chairman Hall: And I think that this easement is just this little corner now.

Ed Meehan: Yeah, the easement that is being requested is that little shaded area, it's 385 square feet.

Chairman Hall: And the gas line was going to come all the way from Little Brook down, so that was the whole different issue.

Ed Meehan: Shortly after the gas was brought into Little Brook, that was an issue. Staff did not support it, either from my end of the building or from Parks and Rec, they didn't want a two inch gas line going under the playground equipment, so that was nixed.

Chairman Hall: It's also my understanding that they do not have to disturb the brook with this easement as well. That the lateral will be connected, they don't have to do anything with the brook.

Ed Meehan: The brook is not in this area, it's further east of this area.

Chairman Hall: Any further questions on this?

Commissioner Fox: Do we have to move that to Old Business?

Commissioner Pane: Why are we rushing on it?

Ed Meehan: You have thirty days under the statutes, you can vote tonight, or you can do it at the next meeting, if you do not report back to the Council within the time period, it's taken as approved. It's up to you.

Chairman Hall: So what is your pleasure, move it this evening, or wait until our next meeting.

Commissioner Ganley: Is that this motion, on the top of the pile?

Chairman Hall: Yes, the 8-24 referral.

Commissioner Ganley: Well, if we can't get anything more out of this, why postpone it? Unless I have missed something.

Ed Meehan: If you want the opportunity to go down and take a look, physically in the field, that may be one reason that you may want to consider it, but I don't think that there is any more information that staff has to offer you from me or the Town Engineer.

Chairman Hall: And we don't get any input from any neighbors or anything at this point either, so it's just a question, we work this around the table.

Ed Meehan: Right, ultimately this becomes a Town Council decision because it involves real estate.

Chairman Hall: And this goes back to the Town Council.

Commissioner Ganley: Then, if it's the will of the Commission, then we can dispose of this tonight. Get it off the table.

Commissioner Fox moved to add the 8-24 Referral to Old Business. The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

Ed Meehan: I have a short item, I think you may have gotten the correspondence in the agenda, but I want to make sure. Economic Development Commission would like TPZ members to know about their town center social on March 27th at 5:30. You are all invited to join them, they're inviting town center businesses and property owners to talk about activities in the town center, the concept of a town center businessman's association has been talked about by the Commission, Economic Development Commission for many years, so they are going to bring that up. The second item, I know that Cathy has it, a letter from Mayor Wright to acting Commission Frankel, concerning Cedar and Fenn.

VI. NEW BUSINESS

A. . PETITION 61-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan approval for development of 124 room hotel, PD District. (Proposed.) Continued from February 27, 2008.

Ed Meehan: I don't see the applicant here. Based on a conversation that I had with Attorney Jacobs shortly after your last meeting, it's my impression that Mr. Smith who is representing Value Suites and the proposed extended stay, was not going to have anything further to present, so if they don't revise the plans, he wasn't going to be here. So, it's up to the Commission to decide how you want to dispose of this application. Not tonight, it's still under New Business, but you, we talked about the architectural enhancements the Commission was looking to make for this site with the applicant, and the impression that I have from the property owner, Hayes Kaufman is that they have no further input also so when it comes to vote on this, the Commission can vote it as submitted with modifications, or deny.

Commissioner Kornichuk: So they didn't say anything about taking that "shed" off the roof?

Ed Meehan: Attorney Jacobs didn't have anything to share with me about that, so I guess if they were going to take it off, they would have submitted revised plans, but that is something the Commission is within your purview to look at, and if you put a motion together that might be one of the modifications you would consider. From staff, I had four or five other changes that we had talked about with the applicant in our staff meetings that are not reflected on the concept elevations behind you that did come out during the meeting. Some of the Commission members mentioned them also about the porticos on all of the doorway entrances; what we call the water mark on the bottom, which was using split face block, so that you give the building some better definition at the ground level; additional shutters, certainly at the wing areas and at the north and south end came up; removing, someone called it like a dog house, or shed on the top came up; the issue of the pylon signs versus the roof sign. I just heard about that that night, that's a separate application, but as you know, we don't permit fifty foot signs, so that's a moot point I guess. So there are things that you could talk about tonight, or when it comes time to put a

motion together as I said, you can put those modifications in a motion, or you can approve it as presented, or you can vote to deny it. We'll keep our eye on the time clock here.

Chairman Hall: I would like to discuss this, this evening.

Commissioner Schatz: I was just going to say, that cupola that they put on the top, doesn't that go into, wasn't there some conversation that that goes into another story?

Ed Meehan: That's a good point. It doesn't comply with your height standard. The height standard in this zone does not permit that type of an embellishment on the roof.

Commissioner Schatz: So in a motion, we could have the cupola go.

Ed Meehan: Yes. Mr. Smith asked that it be treated as an ornamental feature, under, there is a section in the regulations where special types of structures can be looked at, and I'll give you an example. If you remember about L.A. Fitness that raised the front parapet, but they didn't raise it to put signage up in it, they raised it for other reasons.

Commissioner Pane: Well, in our sign regulations, you can't have signage above the roof peak, so that wouldn't fly either.

Ed Meehan: That's a good point.

Chairman Hall: Plus he was insisting that the logo did have to be on the cupola, because we did ask him that the last time, and he insisted that that had to be there.

Commissioner Camerota: He said he couldn't put the porticos on either, so.....

Commissioner Fox: I was just, I guess everybody is adamant about not having the "shed" so I would like to see renderings without it and with the porticos, before we close it.

Ed Meehan: I'm not sure you are going to get that. I think you are going to have to state your feelings in a motion, and when that has been done in the past, the criteria has been that the Commission puts into the motion what you want for modifications and then the Chairman does not sign the plans until you get revised drawings.

Commissioner Fox: That's fine with me.

Commissioner Schatz: I think that, you know, the "shed" is on one end of the building, if you look at that, and I think primarily that they put it there to put some more signage up there so it would be more visible, I mean, even if it was just lower, and over in the middle of the building, somewhere.....

Ed Meehan: Well I discussed that when I saw it for the first time, I don't agree that it is really going to give them more visibility, at least the view lines that they were looking at was looking west on Cedar Street in the area of Crest Pontiac, looking this way. They took the pictures without any vegetation blooming, but the sign up in the gable, the south gable, that's almost thirty feet high, and Route 9, the elevation of Route 9 and off ramps, that elevation I think will be quite visible as you go around the curve there, before you even get to the exit. I don't think that is an impediment to the signage for them.

Commissioner Pane: I don't know if this Commission has steered them in what color we want, either. We talked about the red brick, we talked about the brown brick, unless I missed it, we need to give them some direction in that in the motion, along with whatever else we want to correct on the property or eliminate off this project.

Ed Meehan: The color scheme that I think they are under the impression they are supposed to follow, this was going to be the water level, the water mark, split face on the bottom, and then this was the brick, the red brick and the areas in white there, which you can't tell, it's like a hardy board, were going to be the trim. The first brick that they offered was this scheme here, which didn't match with the building that Mr. Hayes was proposing for Starbucks and the bank, so the Commission went with this, it's more compatible as far as color.

Commissioner Fox: That's the one on the top there, right?

Ed Meehan: Well, the photographs, the reproductions don't really replicate, this was supposed to be red brick. You're right, this is more of a brownish, and the gas station on the corner is more of this red brick as is Stop and Shop and their outbuilding, is more the traditional red brick, so that is the color scheme. They said they could lighten this up to match the same type of treatment that was going to be done on the Hayes project.

Chairman Hall: And then we didn't address the roof either, specifically. I know that we had tossed around a few ideas about the roof, and it looks as if they have a compatible for the Starbucks building, but they didn't say anything about....

Ed Meehan: They didn't like the idea of a green steel roof.

Chairman Hall: Right.

Commissioner Fox: Didn't they say they were going to go with the architectural?

Ed Meehan: They agreed to go with the same thing, the architectural timberline shingle that Hayes is going to use. You should give them almost exactly what these are in the motion, if you want to do that, so there is no vagueness about what you want for your color scheme and type of materials.

Chairman Hall: Yes, because believe it or not, there are many, many shades of red brick. There is no such thing as one that you call red brick, so the more specific that we can be, the better off I think we are going to be. Anything else as far as that building, we had talked about some shutters, and definitely the porticos. I think that is very important. This is a very visible building, and it is going to be there for a very long time and we want to make sure that it is something that we are not going to regret. It's not a small building, so we need to have it look good for the long run. Seeing no other questions, firm that up and give them some very specific guidelines about what we want.

B. PETITION 02-08 418 Willard Avenue Udolf Properties owner and applicant attention Mr. Leonard Udolf, 2475 Albany Avenue, West Hartford, CT 06117, represented by HRP Associates, Inc., 197 Scott Swamp Road, Farmington, CT 06032, attention Frank Sova, PLS, request for site plan modification to construct a 31 space parking lot. PR Planned Residential Zone District. Continued from February 27, 2008. Sixty five day decision period ends April 18, 2008.

Ed Meehan: I don't see the applicant here. On February 26th, just a day before your last meeting, they submitted revised plans, so we didn't have the benefit of having time to look at those for your meeting of the 27th. Since then the Town Engineer has looked at them, and we're still raising questions about their drainage design and as late as this afternoon we're were going back and forth, and we recommended that until they have a sit down with staff and they come back with some questions answered as far as their drainage design, they are better off keeping this on the agenda under New Business, which is probably why they aren't here.

There are a couple of critical things with this. As small as this site is, a couple critical issues as far as that ground water and the surface water that flows through this area. So we are going to try to get this in the best shape that we can before it comes back.

Commissioner Pane: The Town Council has been talking about drainage issues throughout the Town of Newington, so I think this is definitely one of those areas that has a problem, and if anything, there should be a greater improvement once they do the work over here. I would definitely like to hear from the Town Engineer when he finishes his work.

Chairman Hall: I know that last weekend was an unusual situation with all of the rain that we had, but if you drove past there at all, it was literally standing water, just inviting the ducks. We have to be careful that whatever they do there does not adversely affect the Michael Lane area because those are backyards over there and we don't want to just take it from here and dump it somewhere else and create a worse problem in another spot, so I agree it is very important that we do this correctly. Any other comments or questions on that?

VII. OLD BUSINESS

Chairman Hall: Before we start this, I am going to recuse myself, and Commissioner Kornichuk will be sitting in for this.

A. PETITION 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111, owner and applicant, attention John Scelza, request for six (6) lot Subdivision R-20 Zone. Public hearing closed January 9, 2008. Sixty five day decision period ends March 14, 2008.

Commissioner Fox moved that Petition 47-07 – 240 Culver Street, JS Culver Street, LLC, 2175 Berlin Turnpike, Newington, CT 06111 owner and applicant, attention John Scelza, request for six (6) lot subdivision R-20 Zone district be approved based on revised plans dated March 11, 2008, entitled "Harvest Ridge, Culver Street and Shady Hill Lane" Sheets 1 to 6 with the following findings, waiver and modification requirements:

A. Findings

The proposed six (6) lot subdivision plan complies with design standards for single family homes in the R-20 Zone District.

B. Waiver Request

Section 3.5.2 Lot Size and Arrangement standard for lot depth in excess of 2.5 times frontage width for Lots #5 and #6 is approved the Commission finding that the historical

development pattern of this area and physical characteristics of these lots justify this waiver.

C. Modification Requirements
Lots 3, 4, 5 and 6

1. A development bond shall be posted with the Town Manager, amount determined by the Town Engineer for Shady Hill Lane extension and work associated with Lots 3, 4, 5 and 6, including sedimentation and erosion control measures and stabilization to mitigate storm water run off during construction onto adjacent properties. This bond shall be posted prior to the start of construction on Shady Hill Lane and Lots 3, 4, 5 and 6.
2. All rock blasting, earth removal, grading and stabilization shall be done at one time and as expeditiously as possible and completed prior to the issuance of the first building permit for either of Lot 3, 4,5 or 6. This shall include blasting for the foundations as indicated on the plans stated above.
3. The developer shall provide the Town with an insurance certificate for work within the Shady Hill Lane temporary cul de sac and work within the unimproved Town owned right of way connecting to Rockledge Drive.
4. There shall be no on site rock crushing equipment located and operated on this property during the development of this subdivision.
5. All construction vehicles shall only access and exit the development area of Lots 3,4,5, and 6 onto Rockledge Drive.
6. Safe access shall be provided and maintained at all times to the Grocki residence driveway.
7. Temporary fencing shall be installed and maintained at the top of the slope of Lot 4 as determined by field conditions and as directed by Town staff.
8. Rock blasting shall be conducted in accordance with state regulations. Blasting permits shall be obtained from the Newington's Fire Marshal office.

Prior to and after blasting the developer's blasting contractor shall retain the services of a competent third party to conduct a "Pre-blast Survey" and "Post-blast Survey" on the existing condition of all buildings, properties and walls which may be affected by the blasting at a minimum radius of 200' from the subdivision's perimeter boundary.

The rock must be completely matted when blasts are fired to prevent damage or injury to persons or property or the scattering of broken fragments on the adjacent ground. Adequate warning shall be given to all persons in the vicinity before any blast is discharged.

Property owners of houses abutting this subdivision shall be notified at least 48 hours prior to anticipated blasting activities including the date and time of the blast, precautions to take, telephone number to call if there are any questions, and emergency telephone numbers shall be provided by the blasting contractor.

Lots 1 and 2

1. Development of Lot 1 and 2, fronting on Culver Street, may proceed after recording of the signed subdivision without posting of a bond; however, prior to the issuance of the Certificate of Occupancy for either Lot 1 or 2 the entire sidewalk on Culver Street shall be completed or bonded as determined by the Town Engineer.
- D. Prior to the signing of the record mylars by the Chairman the technical modifications directed by the Town Engineer shall be incorporated into the final plans.
- E. The developer's engineer shall certify to the Town Engineer that the installation of the subdivision's storm water management system has been constructed in accordance with the approved plan. This certification shall be to the satisfaction of the Town Engineer prior to the release of the subdivision performance bond.
- F. All construction work at this subdivision shall be conducted in accordance with the time limits set forth in the Noise Ordinance, Article III Section 6-30 to 6-38 of the Newington Code. There shall be no blasting on Saturdays and Sundays.

The motion was seconded by Commissioner Pruett. The vote was unanimously in favor of the motion, with seven voting YES.

Chairman Hall returned to the table.

B. Petition 54-07 – Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 3.15.4 Restaurant use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill CT 06067. Hearing closed January 23, 2008. Sixty five day decision period ends March 28, 2008.

Commissioner Pruett moved that Petition 54-07 – Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 3.15.4 Restaurant use with Drive Through Window Service, B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill CT 06067 be approved with the following conditions:

1. As set forth in Section 5.2.7 of the Zoning Regulations this approval is conditioned on the use of this site for a Tim Horton's restaurant with drive-through window service, any reuse of this site for a different restaurant shall require the amendment of this Special Exception.
2. As set forth in Section 5.2.9 of the Zoning Regulations this Special Exception shall be voided if the Certificate of Occupancy for the Tim Horton's restaurant use is not issued within one (1) year of this approval, March 12, 2009.

The motion was seconded by Commissioner Ganley.

Commissioner Kornichuk: I have to admit that I will be voting against this tonight, because I think it's within the three hundred feet of a residential. I know that people up on the hill have taken out permits and I consider that a residence, once a permit has been taken out for construction to be built, and people are going to live in it.

Chairman Hall: Other discussion?

Commissioner Fox: Madam Chairman, I just want a clarification. On condition one, if the site is going to be used for a different occupancy, requires the amendment, that just to clarify, means that they would have to reappear and get another okay.

Ed Meehan: Right.

Commissioner Fox: Thank you.

Chairman Hall: Any other discussion?

Commissioner Schatz: The permits have been taken out for those houses?

Ed Meehan: There's seven, there's two structures, seven units on top, and permits have been taken out for the structure that has got three units in that structure. The foundation permits, footing and foundation permits. The other four have not been permitted yet.

Chairman Hall: And those four are the ones that are closest to the edge?

Ed Meehan: They're both about the same distance to the property line. The four unit structure is the one on the easterly side, the westerly side, closest to the Berlin Turnpike. The three unit structure is across the street from that. That may be a touch closer, but the way Toll Brothers, we mentioned this before, they will apply for permits, but they won't pursue that until they have deposits on all three units within the structure, or all four units within the structure. Pete is correct, they have permits out.

Commissioner Schatz: So this would be non-conforming then?

Ed Meehan: It's an interpretive issue, as each Commission member sees it. The regulations talk about residence and when the applicant made his application, there was no residence there. There is no residence there now. But if you feel that they will come eventually as Pete does.....

Commissioner Schatz: I just wanted to discuss it.

Commissioner Pane: We really never got a chance to discuss it as a group to be honest with you.

Commissioner Ganley: I recall discussing this and my opinion at the time, and I think I hold to it, was really based on two things. Because the restaurant is significantly down slope from the dwellings, it didn't present to the people in the dwellings or assume that they ever get to live here, a site pollution issue because it is all the way down the slope and they couldn't see it. As to the noise, it might be to the advantage of the developer, at least in this instance, where because the building is so far down the slope that it's not likely that the noise, whatever noise is generated from that restaurant would somehow get up the cliff and bother the people in the dwellings. Those were my two observations at the time, I didn't have a problem with that part, but I had another issue which is not on this, so I'm not going to discuss that, but the placement of the restaurant as it relates to possible occupancy didn't concern me because it didn't seem to present either noise or sight pollution. That's my observation.

Chairman Hall: Other comments?

Commissioner Pane: Tom has made some excellent points there and because of those points this application, you know, maybe should be approved based on those points and maybe that should be part of the approval because this is kind of like a special, it's kind of special, it's not a normal drive through where everything is level and because of the different elevations, I have to agree with Tom that due to the different elevations that maybe it wouldn't be a problem for us, but I would suggest putting things like that, part of the minutes. One of the other things is, this is probably never going to come up again because this is never allowed, it's not allowed in the Zoning Regulations, right Ed?

Ed Meehan: It was taken out effective November 15th, right.

Commissioner Schatz: When you talk about pollution, noise pollution you get it from Wendy's, another restaurant there right now. I don't see a problem with that, and diagnosing this whole thing a little bit here, I probably would support this.

Commissioner Pruett: I think there are enough provisions here to protect the proposed home owners up there from the fact that it is a Wendy's drive through, if in fact Tim Horton's does change, then they will have to go through this Commission again. I think there is adequate protection with everything else mentioned here, the elements, the demographics of the plot plan up there, I think it's okay.

Chairman Hall: I do want to state that if Tim Horton's does not come through, and another application comes, at that time, if the structure is there, then that will be a different attitude completely.

Ed Meehan: Different occupancy, if Tim Horton's goes out of business, and they want to replace it with XYZ restaurant, they have to come back.

Chairman Hall: They still have to come back to us, no matter what happens to that site, if it's not a Tim Horton's. That will be a whole other issue.

Commissioner Fox: That kind of leads to what I was almost going to say, and finally decided not to, if this comes back, and there is a residence up there.....

Chairman Hall: Right, that's a different issue.

Commissioner Fox: Right now, in my opinion, there is no residence up there.

Chairman Hall: We are dealing with this, at this time, with the facts that we have before us. Any change on that, we reassess. Any other questions, comments?

The vote was in favor of the motion, with six voting YES and one Nay (Kornichuk.)

C. PETITION 55-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for site plan approval for 2,285 sq. ft. restaurant use, B-BT Zone District, represented by Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill, CT 06067. Sixty five day decision period ends March 28, 2008.

Commissioner Ganley moved that PETITION 55-07 - Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for site plan approval for 2,285 sq. ft. restaurant use, B-BT Zone District,

contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill, CT 06067 be approved based on plans entitled "Proposed Tim Hortons" prepared by The Bongiovanni Group, revised dated February 12, 2008, Sheets 1 to 7 and building architectural elevations submitted at the Commission's January 9, 2008 meeting showing the four sides of the proposed Tim Hortons.

Prior to the Chairman signing the site plan mylars the following modifications shall be noted:

1. The 6 foot chain link fence located atop the north rock escarpment shall be repaired and reset to prevent access.
2. The grading plan showing a 5 foot shelf along the top of the filled area, proposed at a 4:1 slope shall be modified as directed by the Town Engineer and the proposed landscape plantings along the top of the proposed 4:1 slope shall be modified as directed by the Town Planner.
3. The developer shall evaluate the area of the drive through abutting the exposed rock face (northwest corner) and determine what protective measures may be necessary to prevent rock slippage falling into the drive lane.
4. Prior to the removal of the earth stockpiles along the upper part of this property the developer shall prepare a re-grading plan that identifies how the remaining overburden will be stabilized. Prior to tree cutting and earth removal a pre-construction meeting in the field with Town staff is required to flag limits of clearing and stabilization measures. This pre-construction meeting shall also include marking out the proposed waterline service.
5. The developer's engineer shall certify to the Town Engineer that the site storm water system has been constructed in accordance with the approved plan. This certification shall be provided prior to the issuance of the Certificate of Occupancy.
6. Technical modifications required by the Town Engineer for construction details and drainage control shall be incorporated into the final plans.
7. Upon the signing of the site plan mylar for the Tim Hortons restaurant by the Commission Chairman the site plan approval granted, July 26, 2000, Petition 34-2000 for a 2,400 sq. ft. commercial building shall be voided.

The motion was seconded by Commissioner Fox.

Commissioner Kornichuk: I'll make my same comment as I made on the motion before.

The vote was in favor of the motion with six voting YES and one Nay (Kornichuk.)

D. PETITION 56-07 16 Fenn Road and 712 Cedar Street, owned by Fenn Road Associates, LLC and 22 Fenn Road, Stop and Shop Plaza owned by Hayes-Kaufman Newington Associates, LLC, 1481 Pleasant Valley Road, Manchester, CT 06042 and Fenn Road Associates, LLC, applicants represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for zone map amendment, I Industrial to PD Planned Development Zone. Hearing closed February 13, 2008. Sixty five day decision period ends April 18, 2008.

Commissioner Kornichuk moved that PETITION 56-07 16 Fenn Road and 712 Cedar Street, owned by Fenn Road Associates, LLC and 22 Fenn Road, Stop and Shop Plaza owned by Hayes-Kaufman Newington Associates, LLC, 1481 Pleasant Valley Road, Manchester, CT 06042 and Fenn Road Associates, LLC, applicants represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for zone map amendment, I Industrial to PD Planned Development Zone, be postponed to March 26, 2008.

The motion was seconded by Commissioner Fox. The vote was unanimously in favor of the motion, with seven voting YES.

- E. PETITION 57-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for Special Exception Section 3.19.1 and 3.15.4 Restaurant with Drive Through Window Service, PD Zone District (Proposed.) Hearing closed February 13, 2008. Sixty five day decision period ends April 18, 2008.**

Commissioner Schatz moved that PETITION 57-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for Special Exception Section 3.19.1 and 3.15.4 Restaurant with Drive Through Window Service, PD Zone District (Proposed) be postponed to March 26, 2008.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

- F. PETITION 58-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan approval for development of 1,800 sq. ft. restaurant and 5,300 sq. ft. bank, PD District (Proposed.) Sixty-five day decision period ends April 18, 2008.**

Commissioner Pane moved that PETITION 58-07 16 Fenn Road and 712 Cedar Street, Fenn Road Associates, LLC owner and applicant represented by Attorney Leonard Jacobs, 146 Main Street, Manchester, CT 06040 request for site plan approval for development of 1,800 sq. ft. restaurant and 5,300 sq. ft. bank, PD District (Proposed) be postponed to March 26, 2008.

The motion was seconded by Commissioner Ganley. The vote was unanimously in favor of the motion, with seven voting YES.

- G. PETITION 01-08 Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 6.4 Removal of Earth Products and processing on-site. B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill, CT 06067. Public hearing closed February 13, 2008. Sixty five day decision period ends April 18, 2008.**

Commissioner Fox moved that PETITION 01-08 Assessor's Map SE 1552, parcel north side of Wendy's Restaurant, 26 Cedar Street Associates, LLC applicant, Newell and Clifford Stamm owners, request for Special Exception Section 6.4 Removal of Earth Products and processing on-site. B-BT Zone District, contact Peter D'Addeo, 154 New Britain Avenue, 2nd Floor, Rocky Hill, CT 06067 be approved for the temporary placement of a mobile crusher, Komatsu BR 550JR for a period not to exceed four (4) weeks. The purpose of this equipment is to process

approximately 3,700 cubic yards of material, the majority of which is to be used on-site for construction of the proposed Tim Hortons restaurant.

If the Tim Hortons development project does not proceed, this temporary on-site processing approval shall be voided.

This processing equipment shall not be placed and operated at this property until the site plan mylars are signed by the Commission Chairman and the Special Exception for the drive through Restaurant Use, Certificate of Action Petition 54-07 is recorded on the land records.

The motion was seconded by Commissioner Pruett.

Chairman Hall: We don't want to have any kind of a limit on start date or anything, I mean, this is kind of open, just says period not to exceed four weeks. Has to be when he gets the proposed Tim Hortons restaurant going, but, I know that we have to have the restaurant within a year....

Ed Meehan: I didn't have anything in mind, what I was trying to suggest to the Commission in this motion is that they just don't go out and start removing rock and crushing it until we know that they have a project in here that's been signed and recorded. I would think that given, when they get that done, then they have four weeks from that date, well, how do you want to measure that four weeks....

Chairman Hall: That's what I mean.

Commissioner Pane: We should have hours of operation too, actually so that they are not starting really early in the morning.

Chairman Hall: I guess it assumes according to zoning regulations however maybe we should be specific about that as well.

Ed Meehan: You could reference the town noise ordinance for hours of operation.

Chairman Hall: Well, let's get back to that four week thing.

Commissioner Pane: Well, once they take a permit out maybe, right?

Ed Meehan: The permit for the building?

Commissioner Pane: For the building

Ed Meehan: Unless they were going to do the site work first

Commissioner Pane: Well, I guess they will have to take a permit out.

Ed Meehan: That's a measurable date.

Commissioner Pane: Yes it is.

Ed Meehan: It's better than the recording date. What I want to avoid is them never recording this, the deal goes south, you know, doesn't happen, but the rock is still there and they want the rock, so that was the reason to tie it back to the applicant's presentation that they needed about, well, they don't really need four weeks, he said I think two to three weeks, we'll give him some extra time.

Chairman Hall: Right, just in case there is weather or something.

Ed Meehan: Do you want to tie it to the building permit?

Chairman Hall: The building permit, does that seem reasonable?

Commissioner Ganley: We don't have to amend this motion then I guess, what we want to get done is reflected in the minutes, and that should suffice, to convey the message to the.....

Chairman Hall: I would not take that chance.

Commissioner Pane: Add a number to the bottom or something that says that the crushing process will not start until the building permit is taken out. The four weeks time starts when the building permit is taken out.

Ed Meehan: Okay, how about four week period to start upon the issuance of the building permit.

Chairman Hall: And do we have someone to amend, because we had accepted it as is.

Commissioner Fox: Is that the only one we are making.

Ed Meehan: No, there was another one about the hours of operation.

Commissioner Ganley: No Saturdays or Sundays.

Chairman Hall: Right, no Saturdays or Sundays, conforming to regulations which is what, eight a.m. to, or with daylight savings you have seven, I think.

Ed Meehan: You can go almost up to ten o'clock on the town's noise ordinance.

Commissioner Pane: You don't want to use that.

Ed Meehan: It's pretty wide open.

Chairman Hall: Forget that.

Commissioner Pane: Eight to three.

Commissioner Fox: That's when traffic starts building up there anyway.

Ed Meehan: Okay, no Saturday or Sunday operations, crushing and rock removal, because they will have some extra loads coming out of here, they told us that, exact quantity we don't know yet, but crushing hours, and rock removal, you want to say after eight in the morning instead of peak hours?

Chairman Hall: How about 8:30, 8:30 to 3:00? Most of the traffic is gone by then.

Commissioner Ganley: I think if we constrict the hours and still make them fit it in the four weeks, that might cause a problem. I don't know if the four weeks will get it all done and how much time do they think they would need per day.

Commissioner Kornichuk: But they said it was only going to take a couple of weeks, so....

Ed Meehan: Yeah, I was watching that in the minutes today because.....

Commissioner Kornichuk: It's already been blasted, right?

Ed Meehan: Yeah, this is Attorney Alter reporting to the Commission," it will take us about four to six working days to process the material that we need to process on site assuming the most conservative case," they are going to do a maximum amount of yardage that has been estimated, and then, further along it says, "we're looking at between two to three weeks that this operation will be completely concluded." They are referring up to 3700 cubic yards of material, so we're giving them another five days to work, just in case.

Commissioner Pane: I think eight to three is fine, I mean, because if they start the crushing at eight, that's, the time is fine, that doesn't mean that they are going to haul trucks right away, first thing.

Chairman Hall: Oh no, they're not. It's just getting the trucks in there, coming up the pike, or however they are going to do it with the traffic that is going into Hartford.

Commissioner Pane: But the crushing could start at eight o'clock, that shouldn't be a problem.

Chairman Hall: Yeah, if they have the crusher on site.

Commissioner Pane: It would be on site, I'm sure they would bring it ahead of time, it's on tracks.

Ed Meehan: They showed you the location that they preferred to put it in.

Commissioner Pane: The excavator is going to be there already.

Chairman Hall: So, eight to three.

Commissioner Pane: They probably are going to crush it all up and pile it up, and then decide how much they are going to haul and how much they are going to use.

Ed Meehan: The plans showed where they were going to stockpile, they will use it for trenches and backfill, and then what is left over, that's when they will bring the trucks in.

Chairman Hall: Any objection, eight to three? It seems to be the consensus.

Ed Meehan: Okay, and no Saturday or Sunday hours.

Chairman Hall: Or holidays, lets put holidays in there because if we get into Fourth of July or something, and it's a Tuesday.....

Ed Meehan: And crushing hours and rock removal, eight a.m. to three p.m.

Commissioner Schatz seconded the amendment to the motion. The vote was unanimously in favor of the amendment, with seven voting YES.

H. PETITION 03-08 – 260 Stamm Road, Marcin and Dariusz Jarosiewicz, 64 Brown Street, New Britain, CT 06053 applicants, Integra Realty Associates, LLC owner request for Special Exception Section 3.17.8 and Section 6.11 auto repair use, I Zone District. Public Hearing closed February 27, 2008. Sixty-five day decision period ends May 2, 2008.

Commissioner Pruett moved that Petition 03-08 260 Stamm Road, Marcin and Dariusz Jarosiewicz, 64 Brown Street, New Britain, CT 06053 applicants, Integra Realty Associates, LLC owner request for Special Exception Section 3.17.8 and Section 6.11 auto repair use, I Zone District be postponed to March 26, 2008.

The motion was seconded by Commissioner Fox.

Chairman Hall: Discussion, Mr. Meehan.

Ed Meehan: Since the public hearing I have had occasion to be down on this site a couple of times to observe what the activity on the site was, and have been down there off and on since the whole issue of an auto repair use first came before this Commission several months ago. My observations that I want to report to the Commission is that yesterday and again today, late today, five to six vehicles in the lot, some up against the building, without registration plates, a couple of inoperable snowmobiles outside the fenced area, I don't think they are this particular applicant's property, but again, they are in the area that he wants to use, a wrecker, a slider, auto parts leaning against the doors, gas containers, gasoline containers outside, I'm just reporting that because I'm concerned that the multiple tenants on this site, you have a proposed auto use, that does require outside storage of their vehicles, and we know that, I don't want to pre-judge an applicant, but we know that auto uses frequently have miscellaneous parts that are placed outside to get out of the way, and they wait for their salvage people to come and pick them up. So you have that going on, two other tenants actually have to drive through this site to get to their area, the guy who does the snowmobiles, and the property owner. There is just an awful lot of stuff going on there. So I would recommend and encourage Commission members, if you have a chance between now and the next meeting to see for yourself if you think this operation can work in this area. The building is, and again, this is not this applicant's issue, but the building, in my observation has not been cared for as well as it should be, and there are probably a lot of reasons for that, that this applicant has no control over but I'm just concerned about an auto use that is not permitted now, continues to carry on its business, there are maybe cars stored inside, that, these guys got ahead of themselves and I think other Commission members, if you have a chance to take a look, and report back what you see, then you'll be more informed when you vote on this. That's my suggestion.

Commissioner Pruett: It sounds reminiscent of the same procedure as before. I've been down there too, and it, my main concern was the clutter of, around there, and how are you going to traverse that property with all that clutter. It sounds like nothing has changed since the previous proposal.

Commissioner Kornichuk: Ed, did you say that there was a wrecker there?

Chairman Hall: Yes.

Ed Meehan: There is a wrecker and a slider. Two separate vehicles.

Commissioner Kornichuk: I thought they said that there was going to be no wrecker involved in this. That's on record.

Ed Meehan: Yes, that's correct. The slider had plates on it, I didn't get out and walk around the back of the wrecker, but it looks like it is operational.

Commissioner Fox: You mean a flatbed?

Ed Meehan: Yes.

Chairman Hall: I was out there today at quarter to five, and there were eight cars on the south side. The building, as you know, has almost an accordion look, there are bays that come up this way, and there was a car in almost every bay on the south side, and then on the north side, there were several cars that had front end damage that looked as if they were waiting for some repair. There were also cars parked all the way on the north side, fence area, there were cars behind the fence on the east side, there was almost no other place to put another car at quarter to five tonight, so I recommend highly that you drive down there, take a look at it, so that you know what we are talking about.

Commissioner Kornichuk: One other question, wasn't it just supposed to be mechanical? Didn't they say they weren't doing auto body?

Chairman Hall: They said they weren't going to do painting.

Ed Meehan: No auto body, no painting. Engines, transmissions, brakes.

Commissioner Kornichuk: Right, that doesn't mean putting a fender on.

Chairman Hall: So, please before our next meeting, take a little stroll down there and we can all make a reasonable judgment at that time.

The vote was unanimously in favor of the motion, with seven voting YES.

I. PETITION 04-08 – 2451 Berlin Turnpike, Joe Campopiano, 39 Buckland Street, Apartment 1233-3 Manchester, CT 06042, d.b.a. Mother Cluckers Chicken, Seafood, Steak, Ribs, LLC, David Kay owner request for Special Exception Section 3.15.3 Restaurant Use, B-BT Zone District. Public Hearing closed February 27, 2008. Sixty five day decision period ends May 2, 2008.

Commissioner Ganley moved that Petition 04-08 2451 Berlin Turnpike, Joe Campopiano, 39 Buckland Street, Apartment 1233-3 Manchester, CT 06042, d.b.a. Mother Cluckers Chicken, Seafood, Steak, Ribs, LLC, David Kay owner request for Special Exception Section 3.15.3 Restaurant Use, B-BT Zone District be postponed to March 26, 2008.

The motion was seconded by Commissioner Kornichuk.

Commissioner Kornichuk: I for one can't see how this is going to work in that little plaza with forty-eight seats plus employees, plus the sound place, I can't even remember what else is in there.

Chairman Hall: The nail place.

Ed Meehan: If I could just give you a little more background. The applicant, I caught up with the applicants today, they came in to get their twenty dollars back for the sign, but they changed their cell phone number so we had no way of contacting them, and I've been trying to get them to sit

down with me, and verify the square footage. I measure eight hundred square feet of public seating area, they reported six hundred. That is going to make a difference in the parking count. I've been over there again, looking at the layout, comparing it to the approved site plan, there's, it looks like it was stripped according to the approved site plan, but since that plan was developed, they've expanded the dumpster area, so that took three of four spaces out, there is a trailer truck out in back on Kitts Lane; there are the alarm vehicles, panel trucks that are parked there on a routine basis, there are the PC Farm trucks are parked there on a routine basis, a car under a tarp, there is a dumpster roll off and there is another fireworks truck parked there, so I netted out probably almost fifteen to twenty spaces, which is a problem for this site. The parking, even if there were that many spaces, the parking is very peculiar there, you have them on different angles, you have an unprotected island, so it is not a good parking layout. I pointed that out to the applicants and the other thing I finally got today from them is David Kaye, who is the owner had signed the application, but we didn't have any live signatures. We just had via fax, so it's not a valid application until we have the owner's live signature. I got that today about three o'clock. But again, some of you have been there, square footage and parking are problematical at this site.

Commissioner Kornichuk: Like you said, if the parking is as bad as it is now, somebody is going to go in there and have a few pops and then try to get out of there.

Commissioner Camerota: I noticed that this weekend, I don't know if it was there today, but there was like a tractor trailer parked on the side, attached to a van or something?

Ed Meehan: Yes, it seems to be just without the horse, but there is also a station wagon that goes along with that.

Commissioner Camerota: I couldn't tell.

Ed Meehan: I don't know if that is one of the owners....

Commissioner Camerota: But that is just going to cause, I mean there is going to be fighting over parking and who should be parking where, and you are going to see those little signs, Parking for Manicure Island only, parking for Mother Cluckers only.....

Ed Meehan: The other thing that I observed late this afternoon, I just took a quick ride over, the alarm installation company has an overhead door that faces Kitts Lane, and they have access in and out there, so there was, must have been a couple of customers who were parked partially in that overhead door, so you can't get around the back of the building, which tightens the back of the site up. I think there is lot of logistical issues with the adequacy of this site for a restaurant, of that size. Maybe if it was half of the six hundred square feet, maybe two hundred, three hundred, maybe just take out, it might work, but not with the floor plan that they are showing the Commission with forty-eight seats.

Chairman Hall: Any other comments on this particular one?

The vote was in favor of the motion, with six voting YES and one abstention (Fox.)

J. PETITION 05-08 – 2451 Berlin Turnpike, Joe Campopiano, 39 Buckland Street, Apartment 1233-3 Manchester, CT 06042, d.b.a. Mother Cluckers Chicken, Seafood, Steak, Ribs, LLC, David Kaye owner request for Special Permit Section 6.6 Liquor Permit Restaurant use, B-BT Zone District. Public hearing closed February 27, 2008. Sixty five day decision period ends May 2, 2008.

Commissioner Kornichuk moved that Petition 05-08 2451 Berlin Turnpike, Joe Campopiano, 39 Buckland Street, Apartment 1233-3 Manchester, CT 06042, d.b.a. Mother Cluckers Chicken, Seafood, Steak, Ribs, LLC, David Kaye owner request for Special Permit Section 6.6 Liquor Permit Restaurant use, B-BT Zone District be postponed to March 26, 2008.

The motion was seconded by Commissioner Schatz.

Chairman Hall: Ed, any information on this particular part of it?

Ed Meehan: No, just all of the above.

The vote was in favor of the motion, with six voting YES and one abstention (Fox.)

**8-24 Referral Report
Little Brook Park
Private Sanitary Sewer Lateral Easement**

Commissioner Schatz moved that the Commission report to the Town Council its approval to grant Mr. Wayne Pouncy, a Rocky Hill resident living at 25 Clearview Avenue, an easement over Town owned land at Little Brook Park for purpose of connecting a 6" private residential sewer lateral into the existing MDC sewer. The area of this easement is approximately 385.76 sq. ft. as shown on a map entitled "Proposed Re-Subdivision, Property of Wayne Pouncy, Lots 171-174 Clearview Avenue, Rocky Hill" revised dated 1-28-08 by Flynn & Cyr Land Surveying, LLC.

The Commission recommends that this utility work be done under the direction of the Town Engineer and the Superintendent of Parks and Recreation and that the contractor be bonded and licensed. Upon completion of this work the Town Engineer should be provided with an "as built" plan for our Town Records.

The motion was seconded by Commissioner Kornichuk. The vote was unanimously in favor of the motion, with seven voting YES.

VIII. PETITIONS FOR SCHEDULING (TPZ March 26, 2008 and April 9, 2008.)

- A. PETITION 10-08 Newington Kiwanis Club Applicant, Town of Newington owner Municipal parking lot request for Special Exception Section 3.2.8 charitable and civic event Kiwanis Flea Markets, B-TC Zone District. Schedule for Public Hearing March 26, 2008.
- B. PETITION 11-08 375 Willard Avenue, Rotundo Developers, LLC owner, Mervyn L. Rimai, MD applicant represented by Milton Lewis Howard, One Regency Drive, Bloomfield, CT 06002 and Alan Bongiovanni, 170 Pane Road, Newington, CT 06111 request for Special Exception Section 3.2.9 Adult Day Care, CD Zone District. Schedule for hearing March 26, 2008. Inland Wetland Report Required.

- C. PETITION 12-08 375 Willard Avenue, Rotundo Developers, LLC owner, Mervyn L. Rimai, MD applicant represented by Milton Lewis Howard, One Regency Drive, Bloomfield, CT 06002 and Alan Bongiovanni, 170 Pane Road, Newington, CT 06111 request for Site Plan approval 14,800 sq. ft. building Adult Day Care Use. CD Zone District. Schedule for presentation March 26, 2008. Inland Wetland Report Required.

Ed Meehan: There are a couple of additional ones that came in after the agenda went out. The Kiwanis would like consideration the same night they are scheduled for a public hearing if possible because they do begin in April.

The address on Willard Avenue is actually 395 not 375. Those are two companion applications.

Commissioner Kornichuk: Is that the spare lot that was saved?

Ed Meehan: Yes. To the north, along that section of Willard. The petitions that have come in that the Commission should know about, 179 Meadow Street request to amend the zoning regulations to reinstate interior lots, and for an interior lot at 179 Meadow Street by Faye Karanian. That needs to be scheduled for public hearing. A second petition for 190 Fenn Road, Spin Cycle has submitted a petition for their liquor permit. They had previously withdrawn it and they are now resubmitting it. How do you want to schedule those? You are going to have, you have some things postponed, that will go to Old Business like the Fenn Road applications. To give you a little bit more background, you saw the letter to the Commissioner of Transportation. You have until April 18th to vote, so you have the next meeting, and the first meeting in April. The concept there was to try to get a meeting in with the Department of Transportation to talk about traffic issues so that if the applicant was going to modify their site plan it could get back to your board and let you know that they were going to maybe withdraw their plan and reconsider it, so they could give you a plan you could vote on. The way it sits right now, you need to vote on the plan that they submitted, which is right in and right out, without a traffic signal.

Commissioner Pane: Or make modifications to it.

Ed Meehan: You can approve it, or modify it, so you have that. That will be done probably without the input from ConnDot unless there is a change. So that is a set of important applications to consider. The other pending work like on Mother Cluckers and Stamm Road, I think there is not much work on those.

Commissioner Pruett: What is your opinion, if DOT will get back to you on this, to authorize a meeting or whatever.

Ed Meehan: Well they probably have had the letter since the 5th or 6th of March, which is only about a week. It depends on the Commissioner's office. He is an acting Commissioner, you know, he may say, I don't want to get involved in this, and given the issues of reorganization and restructuring down there, they may not want to sit down with the Town.

Commissioner Pruett: It's such a large project down there, with the welding company and the hotel and this and that and the bus transportation, this is a key project and the traffic flow has to be just right.

Ed Meehan: Well, there is also this widening of the bridge over on Cedar Street, which is already a designated ConnDot project which will affect access to National Welding, so from my discussions with the Town Manager and the Town Engineer and Mayor Wright, you know, we want to protect Newington's interest in National Welding, we'd like to see that get back on the tax rolls and cleaned up, and have a logical access to that site as well as the busway, through a traffic signal, but the developers offered to provide that to the working, the operative staff at

ConnDot, they have not responded to it, taking it under advisement. That's why we went to the Commissioner's level, but my guess is you can consider voting on what is before you.

Commissioner Pane: When the drive throughs for the bank and the coffee shop are up before this Commission, one of the requirements for this is that "driveway locations shall be spaced at least 150 feet from the corner intersection. The Commission may limit the number of driveways serving this site, and reserve the right to require shared driveways with adjacent properties and/or inter-property driveway connections when the reduction of curb cuts is deemed to improve safety." I still think that there are some improvements that could be made to this whole site plan, with curb cuts, where the entrances and exits are, interflowing between the gas station and this complex, and I know that when we approved that gas station we had a part of the approval that he would have to work with the adjacent property owner.

Ed Meehan: It's shown on the site plan, a proposed inter-driveway connection.

Commissioner Pane: Absolutely.

Ed Meehan: It's on the west side of the existing gas station.

Commissioner Pane: And those two driveways coming out onto Cedar Street because they are so close to each other, in all reality, they should be combined and there should be one, split the property line and make the improvements and have one there.

Ed Meehan: You're talking about the gas station driveway and the proposed driveway into this?

Commissioner Pane: Absolutely, you have two road cuts right there, right within seventy-five feet of the light you have two road cuts, they should be reduced down to one road cut.

Commissioner Ganley: Ed, myself and Mike were at numerous meetings in which the State Traffic Commission, CCROG and a few other came and put a lot of time and a lot of planning money by the way, into the Fenn and Cedar intersection, crosswalks and lights, etc., etc., now I understand that they are reticent about sitting down with us and discussing the very same issue that they put all that money into, all kinds of improvements, they even had the light that you are talking about, I have the original drawings, that's in our file, now I understand that we can't to them.

Ed Meehan: The applicant, Hayes-Kaufman's professional engineer, VHB went back to that Fuss and O'Neil study that you are referring to and that is what the Town Council and this Commission endorsed. The short range, five to ten year improvements at Holly Drive, Ella Grasso and Cedar and Fenn. They offered those as ways to improve turning movements and move the traffic. What ConnDot came back to VHB with, they wanted more information on the width of the right of way, capacity to widen the road, and that Mr. Hayes felt that that went beyond what his application warranted. What he offered to do was, if there was a requirement to widen the road, he was willing to give up some of his frontage there to facilitate that. He didn't feel that his dime, I don't want to put words in his mouth, but his funds should be used to survey the ramps on Route 9 and determine how to widen those, or the ramps on Ella Grasso and Holly. He was principally offering the frontage along Fenn Road to provide a traffic signal and turning lanes, and that is probably where they had a stand-off.

Chairman Hall: As usual, who is going to pay for what.

Commissioner Ganley: They already paid for it. The concepts, they paid all that money and they shaved a piece on the north side if you recall, they moved the barrier back, they shaved off

another little piece, they shaved off some of the corner, they had two crosswalk concepts in there. They spent a lot of money on this thing already and now they are saying that they want Hayes-Kaufman to.....

Ed Meehan: No, I think they want a private developer to take it to the next level, which is basically down to the construction plan level of, is it an eleven foot lane versus a ten foot lane, and you know, peak hours, what's x number of cars that are going to queue up, and to some extent, the traffic information which VHB put together addresses that, but it didn't go out quite as wide, to Ella Grasso and to Route 9 that ConnDot was looking at, because they feel that the introduction of a new light will affect the streets in a wider area. The traffic signals, the two other traffic signals, Cedar and Fenn and Holly and Fenn, and who is going to pay for it. The applicant's offer was, we will participate along our frontage by providing land, we'll swap land with the busway people, if we lose some square footage in that swap, that's okay with us, because we are getting a better alignment with a traffic signal, those were offers that were made publicly at ConnDot in meetings that the Manager and I sat in on.

Commissioner Pane: Some of those improvements that Tom is talking about that pertain to that site, that we feel pertain to that site, we can make recommendations that's where we feel you should put the light, that's where the road cut is, and because of safety on that road, this is where the Commission feels you should enter and exit, can't we?

Ed Meehan: Well, there are limitations. If you made a motion to approve the modification addressing those issues, it could be a moot point because the final decision on that is going to rest with the State Traffic Commission. If you were going to make modifications that affected the internal layout between properties that Hayes-Kaufman has under his control between this site and getting over to Stop and Shop, that are within his power to execute, I think you would be well within your rights, but to put conditions on an applicant that go beyond what he can complete, has been turned over in court cases, as basically the developer can't achieve what the Commission wants him to achieve if it is outside of his ownership responsibilities, then it's frequently not legal. That's why this inter-site driveway would be something that I would want to look at. You know, they are great ideas and they come out of traffic management, access management, that came out of the study that Tom referenced, that came out of the Cedar Street corridor study, and it's exactly why when that corner Mrs. Pip's site came in, it was put in the plans, it's something desirable to do. The task is getting two private property owners together to agree on it. We can't force them. I suppose you could deny it, say, well, we're denying it, here's our reasons why, come back with a plan that provides inter-site connections, that might force them together, but....

Commissioner Pane: For safety reasons, sometimes you can do that.

Ed Meehan: You can, it would be a lot easier to make internal modifications to this site than I think on the frontage of Cedar and Fenn. It basically is a stand off at this point.

Commissioner Pane: Well, when Wal-Mart wanted to go up on Prospect there, we said that it wasn't safe to have an entrance and exit right there.

Ed Meehan: Yes.

Commissioner Pane: So even though that was a state road, we came out of the box and said, we're familiar with this area, and we feel the amount of traffic going into there would be unsafe.

Ed Meehan: That was a very good decision on the Commission's part because you had a lot of local knowledge, you had your own peer review traffic engineer looking at it with the applicant's

engineer, and the judge when that was taken to court, found that in your regulations based on public safety, in the issue of driveway location, you had the right to deny it, and that was upheld in Superior Court and I don't think it got to Appellate Court, they tried to get it certified for Appellate Court, but it didn't get that far, but that was an out, black and white denial, which I think is a little bit different than a modification. My concern would be putting modifications on this that neither private property owner are talking with each other.....

Commissioner Pane: You are better off denying it for the following reasons.

Ed Meehan: You might be better off, and bringing it back to square one. If that's the will, you know if the Commission says you don't want this project, no way, you've got big concerns about the traffic, then deny it. If you say that you feel that you like the project, and you want the traffic to get worked out, you approve it with all the modifications that you feel are justified and then the process would be working through the political leadership in Newington with ConnDot, to see if that can be made to happen. I mean there are a lot of practical, common sense ideas about relocating that light, it affects and improves the busway access, and they have a busway access that doesn't have any left turns out of it, and in sitting in a meeting with the different divisions down there, the transportation planners who are trying to put this busway together recognize that right away.

Commissioner Pane: You could almost deny it for those reasons right there, I mean there is the busway, the combination of those three properties is just not coordinated.

Ed Meehan: Well the applicant himself recognized that he is putting together a site that has limited left turn access, you would have to go through Stop and Shop to get to this place, for now, that's why he wants the traffic signal, but you may want to look at this and say, land use is what the town has wanted there, the opportunity to get the National Welding site are strong, but you feel so concerned about the traffic without a traffic signal, that you are going to deny it.

Chairman Hall: At this time.

Ed Meehan: At this time.

Chairman Hall: Can you do a denial without prejudice, or whatever that is, to let them know.....

Commissioner Pane: It wouldn't matter, because they could still bring it back because they are changing the plan.

Commissioner Schatz: As Commissioner Pane said, the gas station was approved with an outlet into the other property....

Chairman Hall: They would have to work with the other property....

Ed Meehan: Yeah, on this approved site plan, the driveway that comes off of Fenn Road, along the west side of the gas station building, there is a dashed line that is about eighteen feet wide, going into the Hayes-Kaufman piece. It talks about inter-site connection to avoid the very reason that we are talking about, is to keep as much traffic off of Fenn Road as possible. If you are in the gas station and instead of buying their coffee you want to go to Starbucks or say someday there is a CVS or whatever in there, you don't have to go back out onto Fenn Road, you can go through an internal road system.

Commissioner Pane: Yeah, you might want to go to the bank, and then to Stop and Shop and pick up a couple of items before you go home.

Commissioner Schatz: So if that was approved, I'm green at this, if that was approved on that corner site plan, don't they have to do it?

Ed Meehan: Well, they didn't have to build it yet, what I'm saying is if the Hayes-Kaufman site agreed to it, and the two property owners could get together, it would be easy to build it, but from what I understand from comments that were made publicly here, these two developers are not cooperating with each other. Physically it's very easy to do, maybe a ten or twelve foot strip between the two properties.

Chairman Hall: So maybe we have to take the reins and make the restriction and then it's up to them to follow it.

Ed Meehan: They saw the wisdom in it, and they offered a pedestrian, they were going to modify the fence line and offer a pedestrian walk back and forth, but that's really not practical.

Commissioner Camerota: That's silly, because you are obviously going to drive to the gas station to get gas, you're not going to, you want to stay parked there? They hardly have any parking, and then you have to go walking over to Starbucks and the bank.

Commissioner Pane: Both advantages to everybody. The advantages to the town, it makes the traffic safer and it improves the business at the gas station, it improves the business to the bank, the Stop and Shop, everything.

Commissioner Camerota: Do we know what the stalemate is? I mean, it sounds like they talked to, I guess the gas station really has complied with what the modification was, or the

Commissioner Pane: The two owners just don't like each other.

Ed Meehan: It's over issues with money, I guess.

Commissioner Pane: I think maybe they wanted the property, and they got it.

Commissioner Camerota: So there is nothing that we can do to say that the gas station is not complying with what.....

Ed Meehan: The gas station complied, they showed a conceptual driveway connection, that is all they had to do, but to make it a reality, to force them to grant cross easements to each other, it goes beyond what an applicant can accomplish by off site improvements, and I don't believe that would uphold what you can do here. But if it's an issue of overall concern for public traffic safety on Fenn Road and Cedar Street, that's a legitimate call.

Commissioner Pruett: That's a hot intersection.

Chairman Hall: It certainly is, any time of the day, it's very, very busy, in all directions, and we still haven't solved the problem of taking the left turn into the gas station from Cedar Street.

Commissioner Kornichuk: And the worst part is, that has always been a problem, even when that was an automotive place there, everybody used to come in out of New Britain, trying to get in there.

Ed Meehan: In other parts of the country, which are a lot more progressive than what we are maybe in the Northeast, but I shouldn't say that because New Hampshire and Vermont do it, the Department of Transportation has established non-access lines, and they are put at busy corners,

and they just force property owners to get together and say, okay, you want an out parcel on the corner, say a restaurant or something, but you are not going to have, be able to dive into that corner from a busy intersection, you have to go 150 feet up the road, and come back to it.

Chairman Hall: And it's also well signed. That's part of the problem here, there seems to be a reluctance for the State to allow signage that will make sense as well. We had discussed this, that if we were going to have that left turn at the light at the Stop and Shop to go into this parcel could they put a sign directing, and the answer was essentially no, you can't put that on the state property to go into the private development which makes no sense at all.

Ed Meehan: Hayes could take down their Stop and Shop sign and put up a directory sign for the various tenants in there, but.....

Chairman Hall: But again, your eye is not there, your eye is going to be here when you are stopped, so therefore to have something here to direct you in would make much more sense, but they don't do that around here.

Commissioner Ganley: Just to make a comment, we talk about the traffic there all the time, and all the traffic that is going to be there forever and a day, that is precisely what market studies count on to decide if they are going to build a hotel, or a Starbucks. So you know, the traffic is like the turnpike, everybody complains about the turnpike, but if we didn't have the traffic on the turnpike, we wouldn't have the restaurants.

Chairman Hall: Right, it's the chicken and the egg.

Commissioner Ganley: We've got to live with something.

Ed Meehan: Well, I'm going to, through the managers office I'm going to find out if there is a response to this letter, to sit down and try to work these details out, these aren't the details that you work out at a couple of meetings, you know, it takes some time for these things to evolve. I think if there was a glimmer of hope that ConnDot, the various divisions involved were going to try to follow up on this and make some of these things happen, I think the developer would grant the Commission further extensions, so you would have a complete cycling back before you, rather than have to act on this. That's the impression his attorney offered, if they thought something was going to happen, they would extend the time within the statutory limits but on the other hand, if they don't see anything, they would like a vote, because they are paying their professionals and costs of carrying the site.

Chairman Hall: Well, we can understand that, but I don't think that should be our main concern, as to how much money it's costing them to get the thing put together. We've got to create something that is going to be best for the town, and eventually, whatever goes in there, the best for that possible site.

Ed Meehan: Good point. You have a couple of more meetings so....
I started to ask, how do you want me to schedule this, the 26th Mrs. Karanian asked if she could have her hearing on the 26th, I think she has her attorney lined up for that night.

Commissioner Pane: Why don't we just put them all on?

Ed Meehan: Including Fenn Road? I mean, those are the only two hearings that you have.

Chairman Hall: Well Fenn Road looks as if maybe we are going in a direction that won't be as long as.....

Ed Meehan: That's Spin Cycle.

Chairman Hall: We've heard that, we've been there.

Ed Meehan: So you will have four hearings, Kiwanis, Spin Cycle.....

Chairman Hall: Kiwanis will be no time at all, the interior lot is also a repeat, most people have heard that....

Commissioner Kornichuk: As far as Kiwanis, can we give them direction.....

Chairman Hall: Yeah, I think so and can we tell them that also they really are trying to come for a multiple years, so they don't have to do this every year, maybe a two or three year, would anybody have any objection to that?

Commissioner Kornichuk: No, because it is the same thing that we listen to every year.

Chairman Hall: Absolutely, and it's the spring and the fall, remember. It's April to June, and then September through the end of October.

Commissioner Pane: Why don't you give them a two year and then can't they come back informally and not go through the whole petition? Can we do that?

Ed Meehan: Yeah, and then in that way.....

Commissioner Pane: Then it's just come back informally and tell us if there is anything different.

Ed Meehan: Just the change of the dates of the operation. It's pretty straight forward.

Chairman Hall: It is.

Commissioner Pane: That's not a public hearing, is it?

Ed Meehan: If you gave them two years and they changed the dates, probably not. If they are changing the location, in the parking lot it might be. But not the dates.

Commissioner Pane: But normally that's a public hearing.

Ed Meehan: Yes, because it's considered a special event by a civic organization and they can do up to ten days per event, and that's why they do fall and spring. I mean, it's been around for seven years.

Commissioner Kornichuk: Hasn't been anything different than I have sat through, so....

Chairman Hall: And no complaints either, so it's not as if it has created any kind of a nuisance.

Ed Meehan: Okay, so you will have four public hearings.

Chairman Hall: Well, I think again, because some of them.....

Ed Meehan: Rotundo is going to be a public hearing also for the adult day care part of it, so you will have five public hearings. Those are two companion applications.

Chairman Hall: Does that give you direction?

Ed Meehan: Yes, because I have to put the legal notices in tomorrow.

IX. PUBLIC PARTICIPATION
(For items not listed on agenda)

None.

X. REMARKS BY COMMISSIONERS

Commissioner Pane: Any update on that Willard Avenue?

Ed Meehan: The signage?

Commissioner Pane: Yeah.

Ed Meehan: I was over to look at it, and we do have a master sign plan, it was done by Hartford Sign. Happy to have you come in and look at it. The brightness I can't, I didn't see it at night, so I can't relate how bright it was, but the size of the letter and the placement of the letter we have on a master sign plan for all buildings. One thing that I don't understand is why the orthodontist put signs on the back of his building.

Commissioner Pane: He's got it on all three sides.

Ed Meehan: Yeah, but once you get in the back of the building.....

Commissioner Kornichuk: Well, maybe he figures once Alumni opens, he's got that covered.

Ed Meehan: It just seems like a lot of signage for the back.

Commissioner Pane: So that was on the approval when it went through the Commission?

Ed Meehan: The Commission approved the buildings, the signage wasn't on the buildings.

Commissioner Pane: So why didn't it come back to the Commission.

Ed Meehan: Because the Commission doesn't approve wall signage. They approve the architecture of the building, and the sign bands on the building but the actual type of lettering, configuration of the signs.....

Commissioner Pane: So everybody is going to have lit signs there?

Ed Meehan: They could, they could have lit signs. That's nothing we can prohibit.

Commissioner Pane: Yes you can. According to our regulations, in Section, under signs, in residential zones you don't want something that is over-glaring in a residential zone. It's clearly stated in our sign regulations.

Ed Meehan: That is a commercial zone.

Commissioner Pane: You have residential properties right across the street. That should have been a red flag for the zoning enforcement officer. A red flag should have gone up and said, wait

a minute here, maybe we should go to the Commission for this, because, I don't know, I put it up to the Commissioners to see if.....

Ed Meehan: I don't know how bright it is.

Commissioner Kornichuk: All I can say is, it's pretty gaudy. I never expected to see a sign like that, not in this town anyway.

Ed Meehan: Well, we go by the guidelines of the signs have to be consistent, in other words, you have multiple tenants, each tenant has to have the same location, the same square footage, and the architectural judgment on whether it is a certain type of letter style, is beyond what we have the authority to do, and the Commission has the authority to do, other than the consistency of placement and size.

Commissioner Pane: Madam Chairman, the credit union signs on their building on the corner there is nothing like the signage on that place. It's not lit, and the style of it is totally different.

Chairman Hall: It's a different color too, it's blue.

Commissioner Pane: No, it's not a lit sign, and it's a lot smaller, and they are on the corner, as a credit union.

Commissioner Schatz: Maybe Commissioner Ganley can refresh my memory, when you, isn't there something, and the only word I can think of for brightness is olms, or something to that effect, when you do a fatal accident, you have to have the street lights with a certain.....

Commissioner Ganley: Lumens, you mean?

Commissioner Schatz: No, it's called something else, and I wonder, would that fall into that.

Ed Meehan: Well, there are ways, it's not exposed neon, but it's in a raceway and there's, like you have exposed neon at Outback, or Ruby Tuesday. There are ways that sign companies can, in that track, or raceway, put a cover over it to mute it, and that has been in some locations. I don't know if these are designed that way. I can sit down with the zoning enforcement officer, you are welcome to look at this package, and see where we are going to go from here because the orthodontist has just about all of that building, I think there is a little space at the north end.

Commissioner Pane: Does it occupy it, or does it just own the units?

Ed Meehan: He intends to occupy it, except for the north side of that building, I don't know if it's owned or going to be leased by him, but he doesn't occupy one hundred percent of it.

Chairman Hall: There is a for lease sign in that building.

Ed Meehan: Whoever goes in and put a sign up is going to have to match and be consistent with his sign, and that is what we told Mr. Rotundo and Hartford Sign, when you start this package, you have to follow through with it.

Chairman Hall: Can we find out if that is lit all night?

Commissioner Pane: Yes, it is.

Chairman Hall: It's on a timer from like dawn to dusk or whatever, dusk to dawn.

Commissioner Schatz: I left after the meeting and went up there, it's bright.

Chairman Hall: And we haven't had any complaints from the Fisk Drive area, or the apartments?

Ed Meehan: Not that I'm aware of. I mean, it doesn't make any sense to leave it on all night long, you're not like a 24 hour gas station, it's a professional office. That is something that we could talk to them about, put a timer on it.

Chairman Hall: Have it go off at nine, ten o'clock at night. If you could find that out for us?

Commissioner Pane: Madam Chairman, it's not a retail area, lit signs weren't even necessary for those buildings.

XI. STAFF REPORT

Ed Meehan: There are a couple of important items for Commission members who got the letters from CHRO. Look at those dates, talk to Attorney Sterling I think it is, and you should.....

Commissioner Schatz: We contact him?

Ed Meehan: Yes, he's the guy that is going to coordinate the dates, that's the CHRO hearing, and he's recommending that it be pushed out to May.

Commissioner Schatz: We don't turn this over to our attorney?

Ed Meehan: No, he is our attorney for this.

Commissioner Schatz: Oh, okay.

Ed Meehan: So it's good to talk to him, and the other two Commission members are Vinnie Camilli and Bill Cariseo, got letters brought here, but obviously we will forward them to their homes. You may just want to contact the attorney's office and coordinate the dates, that's what his roll is.

Commissioner Schatz: Are there just three of us?

Ed Meehan: No, five I think.

Three Angels Church has brought their site plan in, we are looking at them at staff level to see if they raised to a level where they have to come back to the Commission, they've also got construction drawings before the Building Department. This is the second time around for these construction drawings on the building, and Pete Hobbs and I talked late this afternoon, he hasn't finished his review yet, they also had to submit new drainage calculations because they changed some of the grading for the handicapped ramps. So I will have a report for the Chairman on that. If the changes are such that the building footprint is beyond what the Commission originally approved, and they modify the architecture, we'll direct them to reapply, start over again.

Commissioner Pane: That's a good idea, because a lot of the neighbors are pretty upset about, three years now.

Ed Meehan: The issue of the building issues is going to be the call of the Building Department on the foundation and whether it has to stay, or not.

Couple of other things that, the project on Maple Hill, Green's Way, that six lot subdivision, apparently the developer is not going to go forward with that. There is some confusion between

the two property owners that were selling the property, at least one of them, so they have not, they filed the mylars with the engineering department, my office and engineering, they were signed and they were filed up here, and the attorney representing the owner, I said, you know, I'm not going to go down and do your research for you, you're supposed to file within ninety days of Vinnie Camilli signing those and he was calling from down state, so I can tell you they are filed here, but I'm not going to go down to the Town Clerk's office. That could void that subdivision, if they didn't file in a timely way, but he's trying to sell it.....

Commissioner Pane: What's this?

Ed Meehan: It's called Green's Way, it's 62, no, 48-62 Maple Hill Avenue. It runs back toward the back yards of Vincent Drive, a lot of issues with drainage, started out with ten lots, but got knocked down by a couple of lots, so the two houses on the corner staying, and it's basically six new lots. Given the market and the other issues with the owners, this gentleman is not going to go forward with it, so he's trying to sell it, and I said, whoever buys it has to follow the plans that were approved.

Chairman Hall: Tried to sell the property?

Ed Meehan: He was trying to sell his approvals. He has options on the property, never closed on the property because of issues with one of the owners.

Commissioner Pane: But if he doesn't file, then he sells it and they don't file in time, they don't have approval.

Ed Meehan: He may not have anything to sell, so the attorney has to figure that out.

Commissioner Schatz: So the Vincent Drive people are still in the same jam with water coming in their cellar windows.

Ed Meehan: Well, yeah, the intent of this whole development, not to beat a dead horse, was to fix that problem.

Commissioner Schatz: Right, that was going to be a plus for them.

Ed Meehan: People's Bank at Lowry Place has applied for building permits, when they post the bond for that site work a building permit will be issued probably late next week, and that project should get going.

Home Depot and Konover and the Callahan family have signed contracts for Home Depot. There are some loose ends that they have to fix on East Cedar Street with Redan as part of the deal, but that project is going to start rolling.

Hunter Development, Charley Lowe's piece, they are finishing some of their due diligence on that site, as far as the environmental, don't know if that is going to get going or not, don't know if they have any tenants or not, and the twenty-eight acres of open space which the Town has a grant for, we've been talking to those property owners about where, do they have a use for it, what's their plans because we need to report back to DEP pretty soon, I think by the end of June, the fiscal year, if the town is going to move forward on that, or not, so there are some big projects. L.A. Fitness is going forward, their plans have been filed, so they are working on that. There is a little setback down at Sam's, more than a little setback with the drainage system, the pipes floated to the top, that's probably going to push them back a little bit. They haven't told us how they are going to fix that yet, so that is a big issue down there.

Last night at the Town Council, I want to get some guidance on this, we talked about where the Plan of Development stands and how we can push that along, how I can push that along. What I

would like to suggest is maybe a place holder on the agenda, where, this will be good because I work better under pressure, but maybe I was thinking, up early in the agenda, I'll talk to Cathy about this, maybe under Public Participation we can just have an open session where anybody who wants to talk about planning issues, whether it's other boards and commissions or the general public, take a reasonable amount of time, what the chair directs, and say, this is a Plan of Development item, what are your ideas for Newington for the next five years. The Plan is not going to be a complete re-write. It's basically tuning up what we have, but we should have a citizen participation component and a component giving other boards and Commissions involved. That is the most important thing in my mind, to make sure that people have participation in this, and this may be one vehicle, to have it on your agenda, to make it happen. The economic, the population, the housing components are what they are.

Commissioner Pane: I was at that meeting last night, and I couldn't understand why they thought that you couldn't get it done, I mean, I was on TPZ when we did that plan, that was 2000-2005 town plan, and a lot of that stuff is really just going to be in there. There's a few changes, but I can't see it changing that much. At the same time, we should be talking about the drainage and the drainage issues and stuff, I think in conjunction with it. I know that they talked about a master drainage plan, but.....

Ed Meehan: That's going to be something completely separate, more of a technical document.

Chairman Hall: That's engineering, not planning.

Ed Meehan: It will help us certainly address some of the larger drainage basins in town, but the land use pattern in Newington is set. We've talked about our vacant land status, and our opportunity sites, a lot of it, I think, a new Plan of Development is going to be from this table here on policy direction. I mentioned it last night, you know, how much density do you want? How much vertical development do you want? Are there other pieces of open space that you want to go after? That would set the agenda, it would influence the capital improvement plan, I don't think that the town wants to do a wholesale revision to your zoning regulations and start changing lot sizes, it won't affect much land. So there are concepts like transit oriented developments, smart growth, but that is part of the busway and rail corridor concepts that are already in the Plan of Development.

Commissioner Pruett: You are just tweaking it.

Ed Meehan: Right, so I wanted to make sure, I know that Domenic was there, or you saw it on television, that you know that I took that to heart, and I think a citizen component, to keep that door open is you could think about it to keep it on your agenda.

Commissioner Pane: Do you remember how many public hearings we had for that before? In 2,000, do you remember?

Ed Meehan: Well we did our best to get all the Boards and Commission's involved, we did a round of those, and then we probably did three or four workshops.

Commissioner Pane: Did we invite one board or commission each meeting? I think we did the same thing, we had a little bit of each meeting in 2000.

Ed Meehan: We had economic development, and your Economic Development Commission looked at this about a year ago, Conservation gave us a lot of input the last plan, went to the Council, housing, we really didn't have any input, and then the workshops. There is a new process where after the public hearing, but before the Commission votes, the new procedure

under the statutes you refer to the Town Council as the chief elected body for their policy review. They make recommendations, but they don't adopt it, it has to come back to this Commission so the final say rests with the Planning and Zoning Commission. There's other things done, since the last plan where it's got to address at least some of the regional planning goals so there are no conflicts built in, and the State Plan of Conservation and Development goals, but it's going to be a tune up or a tweaking it. Unless it is the consensus that, okay, we want to go with ten story buildings, or seven story buildings, that is what you took out last time, and you went down to four stories. That was a major policy decision.

Commissioner Pane: And even then, we can talk about those as they come up through there, if we take a look at the existing one, 2000-2005 plan and at each meeting and go through, page by page, and hit part of it at each meeting, along with input from the different Development Commissions and the other Commissions, I think we can get that done before the end of the year.

Ed Meehan: That is my goal, to get working on, there's a little bit of a lull in the summer, we can get things together, and come back, get your workshops and your hearings out of the way next fall.

Chairman Hall: We will have to get some publicity too, in order to get the public because unfortunately this Commission because we've lost our television coverage years and years ago, they really don't know what we do, so I think we will have to get some kind of little blurb in the paper, or whatever, to let them know that they can come before us and give some input. Boards and Commissions are no problem, we can just notify them, but as far as getting public, otherwise we will be sitting here with nobody.

Ed Meehan: I wanted to bring it up and I don't think this is something that should be under staff, I think it's really, it's your plan, so it should be up front on the agenda where people take notice of it.

Chairman Hall: And have it early on, so they are not sitting through our whole meeting. Can we create a separate category? I don't know whether this is set in stone, if you have.....

Ed Meehan: Well, the agenda is pretty much based on the by-laws, but as I said, under Public Participation, you have one line, A. Plan of Development items, anybody from the public that you feel is appropriate to come in and talk about it. If they don't talk about it then you have absent that night, nothing said, under staff we can do what Domenic suggested, take a couple of components, mission statement, whatever and go through it. We don't have to re-write it and reinvent it.

Chairman Hall: Just review, tweak it.

Commissioner Pane: I think we should start on it, if not next meeting, the meeting after. I know that's one that we have a lot of public hearings.

Chairman Hall: Yeah, I think the next one we are kind of.....

Commissioner Pane: But the following one, and that will give you time to contact some of the Commissions and get them on board.

Ed Meehan: I have the mylars for Hoffman Gun, Cathy hopefully you will sign those. They completed their deal, they are going to move over to where OFI was. OFI is finishing up their work, came out pretty good, I'm happy that the Commission stuck to your guns so to speak, and

did not approve the moon shaped roof that they wanted, you have more of the traditional roof. I've heard some good comments about that.

Chairman Hall: It's very attractive.

Ed Meehan: We have submitted another STEEP grant, for Market Square for a thousand feet of streetscape improvements, we'll continue the work down there. If we have the money, we'll do it, that's going to require a traffic component because of issues of traffic calming and the conflict of maybe angle parking, better on street parking management there. So we're looking forward, if we get that, that will be nice.

XII. ADJOURNMENT

Commissioner Kornichuk moved to adjourn the meeting. The motion was seconded by Commissioner Fox. The meeting was adjourned at 9:10 p.m.

Respectfully submitted,

Norine Addis,
Recording Secretary.